

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ORDER

Plaintiff, a prisoner appearing *pro se*, filed this action pursuant to 42 U.S.C. § 1983.

Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred to Magistrate Judge Bana Roberts, who has recommended that the action be dismissed without prejudice because the plaintiff has not paid the initial partial filing fee. The plaintiff failed to comply with the magistrate judge's order to pay the initial fee of \$34.00 by June 6, 2007, or show cause in writing for his failure to do so. The plaintiff also failed to object to the Report and Recommendation, thereby waiving his right to appellate review of the issue it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). See 28 U.S.C. § 636(b)(1)(C); LCvR72.1(a).

Accordingly, the court adopts the Report and Recommendation of Magistrate Judge Roberts and dismisses this action without prejudice.

IT IS SO ORDERED.

Dated this 20th day of July, 2007.

JOE HEATON
UNITED STATES DISTRICT JUDGE